

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, claim 1 and the specification are amended and claim 26 is newly added. Claims 20-25 are allowed. Support for the amendment to claim 1 may be found, for example, from the disclosed embodiment in paragraph [0011] of the application. The specification is amended to correct minor clerical mistakes. No new matter is added. After entry of this Amendment, claims 1-26 will remain pending in the patent application.

Applicant appreciates the Examiner's indication that claims 20-25 are allowed. The Examiner also indicated that claims 2 and 9 would be allowable if rewritten in independent form. However, Applicant respectfully submits that claims 2 and 9 are patentable at least by virtue of their dependency from claim 1 and for the additional features recited therein.

Claims 1, 5 and 11 were rejected under 35 U.S.C. §102(b) based on Fredericks *et al.* (U.S. Pat. No. 4,567,132) (hereinafter "Fredericks"). The rejection is respectfully traversed.

Claim 1 is patentable over Fredericks at least because this claim recites a device manufacturing method wherein, *inter alia*, the first layer of radiation sensitive material has a dose size of at least approximately 1.5 times the magnitude of a dose size of said second layer of radiation sensitive material. As conceded by the Examiner on page 6 of the Office Action, the prior art (and therefore Fredericks) does not disclose, teach or suggest this feature. Therefore, Fredericks does not teach each and every feature recited by claim 1 and, as a result, cannot anticipate claim 1.

Claims 5 and 11 are patentable over Fredericks at least by virtue of their dependency from claim 1 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 5 and 11 under 35 U.S.C. §102(b) based on Fredericks are respectfully requested.

Claims 6 and 8 were rejected under 35 U.S.C. §103(a) based on Fredericks in view of Hien *et al.* (U.S. Pat. No. 6,063,543) (hereinafter "Hien"). Claims 7 and 10 were rejected under 35 U.S.C. §103(a) based on Fredericks in view of Tan *et al.* (U.S. Pat. No. 6,638,683) (hereinafter "Tan"). Claims 3, 4, and 12-16 were rejected under 35 U.S.C. §103(a) based on Fredericks in view of Maile (U.S. Pat. No. 6,881,688). Claims 17-19 were rejected under 35 U.S.C. §103(a) based on Fredericks in view of Maile and further in view of Singh *et al.* (U.S. Pat. No. 6,740,535) (hereinafter "Singh"). These rejections are respectfully traversed.

Claims 3-4, 6-8, 10 and 12-19 are patentable over Fredericks, Hien, Tan, Maile, Singh and a combination thereof at least by virtue of their dependency from claim 1 and for the additional features recited therein. Namely, claims 3-4, 6-8, 10 and 12-19 are patentable over Fredericks, Hien, Tan, Maile, Singh and a combination thereof at least because these claims recite a device manufacturing method wherein, *inter alia*, the first layer of radiation sensitive material has a dose size of at least approximately 1.5 times the magnitude of a dose size of the second layer of radiation sensitive material. As conceded by the Examiner on page 6 of the Office Action, this feature is neither taught nor rendered obvious by the prior art. Therefore, claims 3-4, 6-8, 10 and 12-19 are patentable over the art of record.

Accordingly, reconsideration and withdrawal of the rejections of claims 6 and 8 under 35 U.S.C. §103(a) based on Fredericks in view of Hien, claims 7 and 10 under 35 U.S.C. §103(a) based on Fredericks in view of Tan, claims 3, 4, and 12-16 under 35 U.S.C. §103(a) based on Fredericks in view of Maile, and claims 17-19 under 35 U.S.C. §103(a) based on Fredericks in view of Maile and further in view of Singh are respectfully requested.

Claim 26 is newly added and defines additional subject matter that is novel and non-obvious over the art of record. Support for new claim 21 may be found, for example, from the disclosed embodiment in paragraph [0052] of the application. Claim 26 is patentable over the art of record at least by virtue of its dependency from claim 26 and for the additional features recited therein. Namely, claim 26 is patentable over the art of record at least because this claim recites a device manufacturing method wherein, *inter alia*, the first and second layers of radiation sensitive material have a same tonality. Applicant respectfully submits that Fredericks teaches away from this feature. Fredericks teaches a multi-level resist image reversal process using two resist layers having different tonalities. (*See* col. 3, lines 28-34). However, by virtue of specifically teaching that the use of two resist layers with different tonalities provides a better lithographic process, Fredericks teaches away from the device manufacturing method as recited in claim 26. (*See* col. 3, lines 35-39). Therefore, Applicant respectfully submits that claim 26 is in condition for allowance.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims, including claims 26-27.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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